

## REMARKS

Applicant respectfully requests reconsideration in view of the above amendment and the following remarks.

In claims 1 and 8, the term "format command" has been more precisely defined as "a command to apply a format to the record carrier in preparation of the recording of user data". That amendment is intended to make the claim more precise and is not required to meet any statutory requirement because, as it is explained below, the claims are already distinguished from the prior art, so that, the applicants rights under the doctrine of equivalents is maintained.

In addition, the claims have been amended to correct typographical errors noticed by applicant, and to put the claims in a form more common to US practice, and those amendment are not necessary to meet statutory requirements, so that, the applicants rights under the doctrine of equivalents is maintained.

Applicant gratefully acknowledges the examiner's statement that claims 3-7 and 10-14 would be allowable if rewritten in independent form. In response, applicant has rewritten claims 3-7 and 10-14 in independent form.

In response to the rejection of claims 1, 2, 8 and 9 under 35 USC 102, as allegedly being, anticipated by JP 2254677, the applicant traverses this rejection. More specifically, the citation does not disclose the limitation that "the data block data block comprising unused information" as recited in claims 1, 2, 8 and 9.

Applicant believes that this application is in condition for allowance and respectfully requests that all claims be allowed.

Please charge any fee deficiencies and credit any overpayments to Deposit Account No. 14-1270.

Respectfully submitted,

By /Michael E. Belk/  
Michael E. Belk, Reg. No. 33,357  
Senior Attorney  
(914) 333-9643